

### **REMARKS**

The Examiner's communication mailed October 25, 2005 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to final action. Specifically, claims 1, 2, 10, 13, 16, and 38 have been amended and new claim 40 has been added. In addition, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

### **Summary of the Office Action**

Claims 28-37 were allowed.

Claims 2-9, 11, 12-14, 16, 17 and 19-23 were indicated as containing allowable subject matter.

Claims 1, 10, 15, 18, 24, 25, 38 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Liu (U.S. Patent No. 4,253,691).

Claims 1, 10, 15, 18, 24, 25, 38 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nadratowski (U.S. Patent No. 4,078,838).

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nadratowski in view of Deitch (U.S. Patent No. 3,744,453).

Claims 12-14 stand rejected under § 35 U.S.C. § 112, second paragraph.

The specification was objected to for a minor informality.

### **35 U.S.C. § 112**

Claim 13 has been amended to depend from claim 12 and claim 14 continues to depend from claim 13. Claim 12 depends from claim 11 in which a motor for providing powered pulling of a carriage is introduced. Antecedent basis for the term "motor" in claim 12 exists because claim 12 depends from claim 11. Similarly antecedent basis exists for the term "motor" in claim 13 because, as amended, claim 13 depends from claim 12 which itself depends from claim 11. Accordingly, Applicant submits that the 35 U.S.C. § 112, second paragraph, rejection applied against claims 12-14 should be removed.

### **Specification Objections**

The specification has been carefully amended to overcome the objection asserted thereagainst.

### **The Claims Distinguish Patentably Over the Reference(s) of Record**

**Claim 1** has been amended to call for a motorized pulley mechanism connected to a body and removably connected to an associated bag for selectively pulling the associated bag into a housing. Previously presented claim 1 was rejected as anticipated by each of Liu and Nadratowski. Applicant respectfully submits that neither Liu nor Nadratowski, disclose or fairly suggest a motorized pulling mechanism connected to a body and removably connected to an associated bag. In both of these references, an operator manually moves working elements of a device when attempting to remove waste (no motor is taught or suggested). For at least this reason, Applicant respectfully submits that claim 1 and **claims 2-27** dependent therefrom are in condition for allowance.

Independent **claim 28** and **claims 29-35** dependent therefrom were allowed.

Similarly, independent **claim 36** and **37** dependent therefrom were allowed.

Independent **claim 38** has been amended to call for providing a housing with an opening and a **motorized** pulling mechanism located in the opening; connecting a bag closed end with the **motorized** pulling mechanism; and pulling the bag further into the housing with the **motorized** pulling mechanism. As already discussed herein, Applicant respectfully submits that no teaching or fair suggestion of a motorized pulling mechanism exists in either Liu or Nadratowski, both of which were independently applied against claim 38 as anticipatory references. Without a motorized pulling mechanism, Applicant respectfully submits that these references no longer anticipate claim 38 because without a motorized pulling mechanism there can be no provision of a housing with an opening and a motorized pulling mechanism located in the opening. Similarly, without a motorized pulling mechanism, a bag closed end cannot be connected with a motorized pulling mechanism, as required by claim 38, nor can a bag be pulled further into the housing with a motorized pulling mechanism, as also required by claim 38. For at least these reasons, Applicant respectfully submits that claim 38 and **claim 39**, which is dependent from claim 38, are in condition for allowance.

New **claim 40** calls for a movable handle mounted to a housing. Applicant respectfully submits that none of the references of record disclose a waste collection device having a movable handle mounted to a housing of the waste collection device. For at least this reason, Applicant submits that new claim 40 is in condition for allowance.

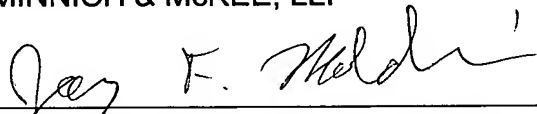
### CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that he telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. In any case, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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January 25, 2006  
Date

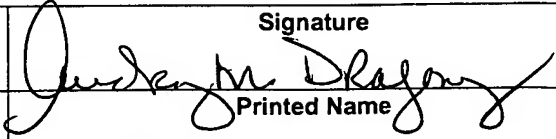
  
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### CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

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